

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: January 16, 2004
)	
Michele Brigman)	DOCKET NO.: 03F-060
Supervisory Social Worker)	
Child and Family Services Agency)	
1357 Southview Drive, #202)	
Oxon Hill, Maryland 20745)	

ORDER

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Michele Brigman, Supervisory Social Worker, Child and Family Services Agency, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 7, 2003, OCF ordered Michele Brigman (hereinafter respondent), to appear at a scheduled hearing on August 18, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 20, 2003, the respondent appeared at the re-scheduled hearing and testified that she received correspondence from OCF in May 2003, but discarded it unopened as she believed it to be a solicitation. Respondent stated that upon receipt of a subsequent communication from OCF, i.e., a Notice of Hearing, Statement of Violations and Order of Appearance (Notice) in August 2003, she became aware of the requirement

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to file a Financial Disclosure Statement with OCF. Respondent further stated that she immediately contacted OCF upon receipt of the Notice to obtain further information. Respondent advised that her employment with the District Government commenced in November 2002, at which time she became a member of the Management Supervisory Service (MSS). Respondent presented a copy of a Letter of Offer of Employment with the District Government dated October 30, 2002. Respondent further stated that she received no information from her agency concerning the FDS filing requirement for MSS employees. Respondent filed a fully executed FDS at the conclusion of the hearing.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is a member of the Management Supervisory Service (MSS).
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent is a first-time FDS required filer.
4. Respondent filed the required Financial Disclosure Statement on August 20, 2003.
5. Respondent provided a credible explanation for the filing delinquency in that she believed her first notice of the requirement to file an FDS was the Notice of Hearing, Statement of Violations and Order of Appearance to which she immediately responded, and in that she was a novice to the District Government and the requirements of MSS employees.
6. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

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3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, coupled with her status as a first-time filer, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.